

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION
Honorable Edward J. Davila
Courtroom 4 - 5th Floor**

**TITLE: *UNITED STATES v. RAMESH SUNNY BALWANI*
CASE NUMBER: 5:18-CR-00258-2 EJD**

Minute Order and Trial Log

Date: May 4, 2022

Time in Court: (9:05-10:07 AM; 10:19 AM - 12:24 PM; 12:49-3:03 PM; 3:20-4:01 PM)

TOTAL Time: 6 hrs, 2 min

Courtroom Deputy Clerk: Cheré Robinson

Court Reporter: Irene Rodriguez

APPEARANCES:

Plaintiff Attorney(s) present: Jeffrey Schenk, Robert Leach, John Bostic, Kelly Volkar

Also present: Special Agent - Chris McCollow

Paralegals – Maddi Wachs; Sara Slattery

Defendant Attorney(s) present: Jeffrey Coopersmith, Amy Walsh, Stephen Cazares, Aaron Brecher, Shawn Estrada, Sachi Schuricht, Serena Nichols

Also present: Paralegal – Jennifer Cygnor

Also present: Ramesh Sunny Balwani (out-of-custody)

PROCEEDINGS: Jury Trial (Day 26)

Jury Trial held May 4, 2022. Testimony held and evidence entered.

Further Jury Trial set for May 10, 2022, at 9:00 AM.

See attached Trial Log.

The following exhibits were identified and offered:

Plaintiffs: 273

Defendants: 20631, 28033, 20229, 20231, 20235, 20566, 20567, 20568, 20542, 2280, 20237, 2339, 20238, 2394, 20242, 4229, 20244, 20618, 20247, 20233, 2859, 28407A, 20553, 20442, 20633, 20619

The following exhibits are admitted into evidence:

Plaintiffs: 273

Defendants: 20631, 28033, 20229, 20231, 20235, 20566, 20567, 20568, 20542, 2280, 20237, 2339, 20238, 2394, 20242, 4229, 20244, 20247, 20233, 2859, 28407A, 20553, 20442, 20633, 20619

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

HONORABLE EDWARD J. DAVILA

**Case Name: *United States v. Ramesh Sunny Balwani*
Case No: 5:18-CR-00258-2 EJD**

TRIAL LOG

TRIAL DATE: May 4, 2022			REPORTER: Irene Rodriguez	CLERK: Cheré Robinson
PLF	DEFT	TIME	DESCRIPTION	
		9:05 am	Jury present	
		9:07 am	Court in session presence of Jury	
		9:08 am	Court queries Jurors re previous admonishment	
		9:09 am	Exs. 1776 and 1944	
		9:11 am	Witness #6 Nimesh Jhaveri returns to stand	
			Defense continues cross-examination of Nimesh Jhaveri	
			Ex. 1891, previously admitted	
		9:13 am	Ex. 4858, previously admitted	
	20631	9:15 am	ADMITTED into Evidence: Depiction of Walgreens Palo Alto entrance to Theranos Wellness Room	
		9:16 am	Ex. 1891, previously admitted	
	28033	9:20 am	Displayed: Excerpt from 2019-04-26 Video Deposition of Nimesh Jhaveri	
		9:21 am	Ex. 1884, previously admitted	
	20229	9:37 am	ADMITTED into Evidence: Aug 2014 Balwani/Jhaveri/Kozlowski/Fluegel Email String re today's data	
	20231	9:40 am	ADMITTED into Evidence: Aug 2014 Balwani/Jhaveri/Kozlowski/Fluegel/Wasson Email String re today's data	
	20235	9:43 am	ADMITTED into Evidence: Aug 2014 Jhaveri/Miquelon Email String re Hello	
		9:46 am	Ex. 2214, previously admitted	

TRIAL DATE: May 4, 2022			REPORTER: Irene Rodriguez	CLERK: Cheré Robinson
PLF	DEFT	TIME	DESCRIPTION	
		9:54 am	Ex. 2275, previously admitted	
Obj	20566	9:59 am	Offered into Evidence	
		10:01 am	ADMITTED into Evidence: Aug-Oct 2014 Email Chain re Intro to Theranos and Elizabeth Holmes	
			Jan 2015 Email Chain re	
		10:07 am	Court breaks for 12 minutes	
		10:19 am	Court in session in presence of Jury and witnesses	
	20567	10:23 am	ADMITTED into Evidence: Dec 2014-Jan 2015 Green/Jhaveri/Golub Email Chain re GNE clinical Trials Follow up	
	20568	10:27 am	ADMITTED into Evidence: 2015-01-30 Kozlowski Email to Blickman re Meeting with Abbott	
Obj	20542	10:31 am	Offered into Evidence as 8036 business record	
		10:32 am	Further foundation to be laid	
Obj		10:33 am	Offered into Evidence	
		10:34 am	Further foundation to be laid	
Obj		10:38 am	ADMITTED into Evidence: Jan-Feb 2015 Email String re Walgreens / Pfizer Whiteboard Session	
		10:43 am	Ex. 2275, previously admitted	
	2280	10:47 am	ADMITTED into Evidence: 2014-12-09 Thies Outlook Meeting Invite re Copy: 8:00am PT-Walgreens/Theranos Meeting	
	20237	10:49 am	ADMITTED into Evidence: 2014-12-15 Fluegel Email to Balwani, cc: Holmes re Follow-up	
	2339	10:53 am	ADMITTED into Evidence: 2015-01-14 Haworth Email to Menchel et al re 1/14/15 Walgreens/Theranos Partnership Meeting Slide Deck & Supporting Materials, and attachments – PowerPoint, Agenda and Supporting Materials	
	20238	11:02 am	ADMITTED into Evidence: 2015-01-21 Haworth Email re 1/14/15 Walgreens/Theranos Partnership Meeting Minutes & Action Items, and attachment – Partnership Meeting Minutes	

TRIAL DATE: May 4, 2022			REPORTER: Irene Rodriguez	CLERK: Cheré Robinson
PLF	DEFT	TIME	DESCRIPTION	
	2394	11:11 am	ADMITTED into Evidence: 2015-02-17 Haworth Email to Hayley et al re 2/17/15 Walgreens/Theranos Partnership Meeting Slide Deck, and attachment – theranos partnership meeting 2.17.15.ppt	
	20242	11:11 am	ADMITTED into Evidence: Mar 2015 Email Chain re To-do's from Theranos contract discussion	
	2449	11:17 am	ADMITTED into Evidence: 2015-03-30 Spitzer Email to Jhaveri re Theranos- time sensitive	
	20244	11:24 am	ADMITTED into Evidence: Apr 2015 Email Chain re Theranos High Patient Volume	
Obj	20618	11:31 am	Offered into Evidence	
			Further foundation to be laid	
Obj		11:34 am	Offered into Evidence	
		11:35 am	Objection sustained	
	20247	11:38 am	ADMITTED into Evidence: Jun 2015 Email Chain re PHX Expansion List to Proceed	
	20233	11:41 am	ADMITTED into Evidence: Jun 2015 Jhaveri/Balwani Email Chain re Recap of Meeting	
	2859	11:46 am	ADMITTED into Evidence: 2015-10-15 Diagnostic Testing Team Memo to Jhaveri re Health Services Development - Executive Summary – Theranos Partnership	
		11:52 am	Ex. 966, previously admitted	
		12:01 pm	Defense completes cross-examination of Nimesh Jhaveri	
		12:02 pm	Jury departs Courtroom	
		12:03 pm	Court in session with Counsel out of presence of Jury and witnesses	
			Discussion re offered Ex. 20618	
		12:24 pm	Court breaks for 25 minutes	
		12:49 pm	Court in session in presence of Jury and Witness Nimesh Jhaveri	
		12:51 pm	Government begins re-direct examination of Nimesh Jhaveri	
		12:57 pm	Ex. 20532, previously admitted	

TRIAL DATE: May 4, 2022			REPORTER: Irene Rodriguez	CLERK: Cheré Robinson
PLF	DEFT	TIME	DESCRIPTION	
		1:00 pm	Ex. 1708, previously admitted	
		1:02 pm	Ex. 1711, previously admitted	
		1:05 pm	Ex. 1884, previously admitted	
28033	Obj	1:14 pm	Permission to read into evidence Excerpt of 2019-04-26 Deposition Transcript of Nimesh Jhaveri	
		1:16 pm	Permission Granted	
			Counsel reads excerpt of 2019-04-26 Deposition Transcript of Nimesh Jhaveri, p. ___, ll. ___ - ___	
273	Obj	1:22 pm	ADMITTED into evidence: 2010-2012 Holmes/Rosan/Balwani Email String re Theranos Systems at Walgreens, and attachments –Theranos Systems at Walgreens – Overview.pdf; Theranos Systems at Walgreens – Partnership.pdf	
		1:25 pm	Ex. 2214, previously admitted	
		1:27 pm	Ex. 2275, previously admitted	
		1:29 pm	Ex. 20244, previously admitted	
		1:30 pm	Ex. 5387H, previously admitted	
		1:31 pm	Ex. 1896, previously admitted	
		1:35 pm	Ex. 957, previously admitted	
			Government completes re-direct examination of Nimesh Jhaveri	
		1:36 pm	Defense begins re-cross-examination of Nimesh Jhaveri	
Obj	28407A	1:40 pm	Offered into evidence	
		1:42 pm	Displayed: Excerpts of Deposition Transcript - 3670:7 – 3671:23	
		1:50 pm	Ex. 20532, previously admitted	
	20553	1:54 pm	ADMITTED into Evidence: 2010-09-09 Rosan Email to Holmes (and 9/10 Forward to Balwani/Young) Email String Email re Hopkins, and attachment - Summary of Hopkins/Walgreens/Theranos Meeting April 27, 2010	
Obj	20442	1:57 pm	Offered into Evidence.	

TRIAL DATE: May 4, 2022			REPORTER: Irene Rodriguez	CLERK: Cheré Robinson
PLF	DEFT	TIME	DESCRIPTION	
		1:58 pm	ADMITTED into Evidence: Apr 2011 Haworth/Rosan/Young Email Chain re Asthma Test – Patty Haworth	
		2:01 pm	Defense concludes re-cross-examination of Nimesh Jhaveri	
			Nimesh Jhaveri is excused and exits Courtroom	
		2:03 pm	Witness #13 Sarah Bennett enters Courtroom and takes the stand	
			Defense continues cross-examination of Sarah Bennett	
		2:07 pm	Ex. 4533, previously admitted	
Obj	28009	2:24 pm	Offered into Evidence	
		2:25 pm	Further foundation to be laid	
		2:46 pm	Ex. 4621, previously admitted	
		3:03 pm	Court breaks for 17 minutes	
		3:20 pm	Court in session in presence of Jury and Witness #13 Sarah Bennett	
	20633	3:30 pm	ADMITTED into Evidence: Standard Operating Procedure, CLIA Laboratory, No. CL SOP-00020, Revision B, <i>Proficiency testing for Theranos Lab-Developed Tests (Immunoassays)</i> , Effective Date: 01/01/2014	
	20619	3:35 pm	ADMITTED into Evidence: 2016-10-31 Bennett Email to Yamamoto re Evidence #7, and attachments – D5793 F9, D6115_CL SOP-00020_PT for Theranos LDTs_AAP.pdf; D5793 F9_AAP Data.pdf; D5793 F10_VitD Patient Results.pdf; D5801_Eval of INR Results.pdf; D5801_PT QC Citrol3_March 2015.pdf; D5801_PT-INR Patient Results.pdf; D50805, D5821, D6098_PT-INR Final Reports.pdf	
		3:46 pm	Ex. 4621, previously admitted	
		4:00 pm	Court admonishes Jury	
			Jury released for the day	
		4:01 pm	Court adjourns	
			Jury Trial continued to May 10, 2022, at 9:00 AM	